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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 09/767,842 | 01/24/2001 | Toshiyuki Waida | 1081.1104/DSG | 3353 |
| 21171 | 7590 | 01/30/2006 | EXAMINER | |
| STAAS & HALSEY LLP | | | KARMIS, STEFANOS | |
| SUITE 700 | | | | |
| 1201 NEW YORK AVENUE, N.W. | | | ART UNIT | PAPER NUMBER |
| WASHINGTON, DC 20005 | | | | 3624 |

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/767,842 | WAIDA ET AL. | |
| | Examiner | Art Unit | |
| | Stefano Karmis | 3624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4-6 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4-6 and 9-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed on 07 November 2005.

Status of Claims

2. Claims 1 and 6 are currently amended. Claims 4, 5, 9 and 10 are originally filed. Claims 2, 3, 7 and 8 are cancelled. Claims 11-15 are newly added. Therefore claims 1, 4-6 and 9-15 are pending.

Response to Arguments

3. Applicant's arguments, submitted 07 November 2005 with respect to claims 1, 4-6 and 9-15 have been considered but are moot in view of the new ground(s) of rejection. Therefore claims 1, 4-6 and 9-15 are rejected and Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 15 recites, “capturing an image of an unknown type payment form.” However the Examiner cannot find support in the specification where it points out that the payment form is unknown and Applicant has not pointed to any particular section of the specification for support. Therefore the limitation specifying that the payment form be unknown is not considered by the Examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4, 6, 9 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Morita et al. (hereinafter Morita) U.S. Patent 6,885,769.

Regarding independent claims 1, 6 and 15, Morita discloses a payment form discrimination method for discriminating a payment form which states at least a payee account number and a payment amount, comprising: acquiring an image of the form by reading the form (column 5, lines 12-16); searching for the payee account number in the image in accordance with an account number searching rule (column 6, lines 22-49, column 9, lines 10-25 and Figure 3B); and discriminating the type of form based on the searched payee account number (column 11, lines 61-67 and column 13, lines 18-43); wherein said searching comprises: recognizing said payee account number in accordance with said account number searching rule in a searching table which registers recognition categories and regularities regarding a character string from the acquired image (column 16, line 53 thru column 17, line 11); and judging whether or not said recognized payee account number is matched with the registered account number in an account master table (column 16, line 53 thru column 17, line 11); and wherein said discrimination comprises discriminating the type of form by referring to a document information table that stores the account number and its type of the form by said judged payee account number (column 16, line 53 thru column 17, line 11).

Claims 4 and 9, recognizing a plurality of account numbers on the payment form; and merging a plurality of results, which have recognized to determine the payee account number (column 10, lines 35 thru column 11, line 17, column 20, lines 22-61 and Figure 13).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 5, 10, 11 and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita et al. (hereinafter Morita) U.S. Patent 6,885,769 in view of Burfield U.S. Patent 6,363,362.

Regarding claims 5, 10, 11 and 13, Morita teaches character recognition when reading an account number (column 6, lines 33-49). Morita fails to teach recognizing a hyphen when reading the images. Burfield teaches an electronic account method which considers hyphens when reading an account number (column 17, lines 1-10). Therefore it would have been obvious

to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Morita to include the hyphen recognition teaches of Burfield because it is an efficient manner for the character recognition teaching of Morita to read accurate account numbers since they are often hyphenated.

11. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita et al. (hereinafter Morita) U.S. Patent 6,885,769 in view of Geisel et al. U.S. Publication 2002/0073060.

Regarding claims 12 and 14, Morita teaches character recognition when reading an account number (column 6, lines 33-49). Morita fails to specify merging a result from a rejected number of a plurality of character recognition results and a number of recognition characters. Geisel teaches a computer implemented method for item processing that provides confidence-based matching of unreadable characters during character recognition in an attempt to determine the proper character (page 3, paragraph 0036). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Morita and include merging results from a reject number of plurality of said character recognition and recognition characters because it is an efficient manner for the character recognition teaching of Morita to read accurate account numbers even when there could be a minor or obvious exception in the account number.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
17 January 2006

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

